



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION, MID-ATLANTIC
6506 HAMPTON BLVD.
NORFOLK, VA 23508-1273

IN REPLY REFER TO:

COMNAVREG MIDLANT
INST 5800.16
Code 00L

24 OCT 2001

COMNAVREG MIDLANT INSTRUCTION 5800.16

Subj: ORGANIZATION OF LEGAL ASSETS

Ref: (a) CINCLANTFLTINST 5801.2 Series
(b) COMNAVREGMIDLANTINST 3120.1 Series
(c) OPNAVINST 3120.32 Series
(d) SECNAVINST 5430.27 Series
(e) SECNAVINST 5430.25 Series

Encl: (1) Mission and Functions of COMNAVREG MIDLANT Staff Judge Advocate
(2) Mission and Functions of IC Judge Advocates

1. Purpose. To promulgate guidance concerning utilization of Judge Advocates within Navy Region, Mid-Atlantic.

2. Cancellation. COMNAVBASENORVAINST 5800.16A

3. Administrative Information

a. Reference (a) tasks Echelon Three Commanders with implementation of Missions and Functions of Judge Advocates.

b. This instruction shall be implemented in a manner that is consistent with references (b) and (c). In the event any conflict should exist between references (b) or (c) and this instruction, the provisions of reference (c) shall take precedence.

4. Policy

a. The Commander, Navy Region, Mid-Atlantic (COMNAVREG MIDLANT) Staff Judge Advocate will supervise provision of legal services by Judge Advocates and Legalmen assigned to COMNAVREG MIDLANT and Subordinate Commands (commands for which COMNAVREG MIDLANT is ISIC), and through the chain of command, will:

(1) Coordinate within the COMNAVREG MIDLANT staff, with Installation Commanders, Program Managers, Resource Sponsors, the Office of the Judge Advocate General (OJAG), Bureau of Naval Personnel (BUPERS), CNO (OP-01), and CINCLANTFLT to ensure the appropriate utilization of COMNAVREG MIDLANT Judge Advocate and Legalman assets.

(2) Encourage attendance at continuing legal education/training which will enhance legal performance relevant to the mission of the subordinate organization to which a Judge Advocate is assigned.

(3) Oversee availability and quality of Judge Advocate and Legalman services within COMNAVREG MIDLANT units.

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(4) Monitor legal services extended to individual members of COMNAVREG MIDLANT units.

(5) Provide or assist in the provision of legal services to commands without Judge Advocates assigned.

(6) Consult frequently with Command and Staff Judge Advocates and make recommendations for courses of action which will improve legal services within COMNAVREG MIDLANT.

b. Consistent with the policies set forth in references (d) and (e), the COMNAVREG MIDLANT Staff Judge Advocate will coordinate and actively communicate with attorneys of the Office of General Counsel to achieve timely and effective provision of the highest quality legal services to the Regional Commander, the COMNAVREG MIDLANT Staff, Regional Program Managers, and Installation Commanders.

c. Commanding Officers and Program Managers with Judge Advocates or Legalmen assigned will establish a management program within their Commands that will ensure the effective utilization of legal assets and will ensure that assigned Judge Advocates are provided the security clearances to fulfill their assigned functions.

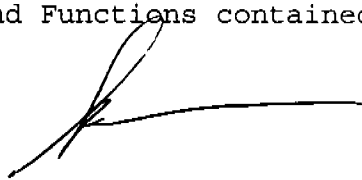
5. Missions and Functions

a. The Mission and Functions of the COMNAVREG MIDLANT Staff Judge Advocate are stated generally in reference (b), and more specifically in enclosure (1).

b. Commanding Officers will establish the Mission and Functions of assigned Judge Advocates by implementation and augmentation of enclosure (2).

6. Organizational Responsibilities are to be in conformity with reference (c) and any revision thereof.

7. Action. Each Commanding Officer with an assigned Judge Advocate shall implement the Missions and Functions contained within enclosure (2).



S. E. BARKER
Chief of Staff

Distribution: (COMNAVBASENORVA/SOPA(ADMIN)HAMPINST 5216.2X)

List X

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MISSION AND FUNCTIONS OF COMNAVREG MIDLANT STAFF JUDGE ADVOCATES

In all matters, the Staff Judge Advocate reports to the Commander and Deputy Commander, Navy Region, Mid-Atlantic.

1. Military Justicea. General Court-Martial Responsibilities

- (1) Prepares Article 34 Advice.
- (2) Conducts pre-trial agreement negotiations with counsel for COMNAVREG MIDLANT and makes recommendations to him.
- (3) Reviews all General Courts-Martial.
- (4) Prepares Convening Authority's action.

b. Bad Conduct Discharge (BCD) Special Court-Martial

- (1) Reviews Courts-Martial and prepares action for those Special Courts-Martial convened by COMNAVREG MIDLANT.
- (2) Prepares the written recommendation and proposed action for the convening authority if the convening authority does not have a Judge Advocate and requests assistance.
- (3) Reviews BCD Special Courts-Martial cases in which accused has waived or withdrawn from appellate review.

c. Non-BCD Special Court-Martial and Summary Court-Martial

- (1) Prepares the Judge Advocate's Review which is the final action required on this type of case.
- (2) Sends record to COMNAVREG MIDLANT if corrective action is required as a matter of law.

d. Nonjudicial Punishment

- (1) Reviews appeals of non-judicial punishment; prepares Memorandum of Law and Commander's response.
- (2) Provides all necessary documentation for Admiral's Mast and prepares subsequent reports.

e. Article 69 Appeals

- (1) Reviews for legality.
- (2) Prepares Commander's endorsement.

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f. Clemency Letters

- (1) Makes recommendations to the Commander.
- (2) Drafts responses and actions.
- (3) Drafts endorsements on requests for clemency and parole to the Naval Clemency and Parole Board.

g. Other Than Honorable Discharge (OTH) Requests

- (1) Prepares memorandum summarizing the accused's Service Record and reasons for requesting an Other Than Honorable Discharge in lieu of trial by Court-Martial.
- (2) Prepares the Commander's endorsement. In routine cases, signs "By direction."

h. Initial Review Officer Program

- (1) Recommends appointment of officers to hold hearings regarding pretrial confinement.
- (2) Provides necessary training.
- (3) Acts as liaison with trial counsel for the Initial Review Officer (IRO).
- (4) Coordinates IRO Watchbill.

i. Brig. Monitors pretrial and post-trial confinement.

2. Jag Manual Investigations

- a. Monitors Message traffic, and advises the Commander on assignment of Courts of Inquiry, Litigation Reports, or Command Investigations where appropriate.
- b. Monitors assigned investigations, and provides advice when requested.
- c. Reviews all JAG Manual Investigations from Region Commands.

3. Liaison With Civil Authorities

- a. Supervises the prosecution of cases arising on board Military Installations in Federal Magistrate's Court.
- b. Provides liaison with Commonwealth's Attorney for offenses committed by civilians.
- c. Provides liaison with appropriate authorities for information necessary to defend suits against the Navy involving Base Commands or personnel action within their official capacity.

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d. Serves as liaison to the Hampton Roads Chamber of Commerce Legislative Affairs Committee.

e. Serves as Vice President and Chair of the Armed Forces Disciplinary Control Board.

4. Civil Confinees. Responsible for investigating, reporting, and monitoring the status, and taking appropriate administrative action of naval personnel detained at confinement facilities within area coordination.

5. Administrative Boards. Responsible for conducting all Officer Administrative Boards within the Region, and staff Enlisted Administrative Boards.

a. Prepares all administrative documentation (notification letter, statement of awareness, administrative board appointment letter, etc.).

b. Coordinates with counsel for the respondent and board members for Administrative Board hearing.

c. Prepares Government's case and acts as Government counsel before the Administrative Discharge Board.

d. Prepares the record of proceeding and ensures timely review of the record by counsel for the respondent.

e. Drafts transmittal letter to Bureau of Naval Personnel (BUPERS).

f. Compiles all required documentation and forwards to BUPERS.

6. Responsible For Instructions

a. Regional Exclusion Program;

b. Initial Review Officers Program;

c. Criminal Activity, Disciplinary Infractions, and Court-Martial Report;

d. Implementation of Privacy Act;

e. Nominations For Membership On Courts-Martial Convened By COMNAVREG MIDLANT;

f. Implementation of Freedom of Information Act;

g. Issuance of Non-Resident, No-Fee Registration Decals;

h. Victim and Witness Assistance Program Implementation and Requirements;

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- i. Selected Chapters of SOPA Manual;
 - j. Organization of Legal Assets; and
 - k. Armed Forces Disciplinary Control Board
7. Prepares Reports
- a. Annual Report on Administration of the Freedom of Information Act;
 - b. Quarterly Criminal Infraction Report;
 - c. Ethics Counselor Review of Office of Government Ethics Financial Statements (SF278 & SF450); and
 - d. Gift of Travel
8. Article 138 Complaints
- a. Investigates complaints.
 - b. Prepares appropriate documents.
9. Miscellaneous. Provides advice to COMNAVREG MIDLANT and area Commands, and prepares responses, where appropriate, in the following areas:
- a. Congressional Inquiries;
 - b. Freedom of Information Act/Privacy Act;
 - c. Standards of Conduct and Government Ethics;
 - (1) Provides advice to Regional Commander and subordinate activities as Ethics Counsellor.
 - (2) Provides annual training for staff.
 - (3) Reviews Financial Disclosure Statements (SF278/SF450).
 - d. Military Support to Civil Authorities. Provides advice to Department of Defense (DOD) Police/Naval Criminal Investigative Service (NCIS) and area Commands of extent of assistance which may be given to civil authorities;
 - e. Oversight of advice and training to DOD Police regarding operating procedures;
 - f. Military Justice;
 - g. Civilian personnel law for those commands without Office of General Council (OGC) Attorneys;

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- h. Advice and coordination with Public Affairs Office;
 - i. Navy Relief Advisor;
 - j. Detachment for Cause Proceedings;
 - k. Compromise of classified information and security problems;
 - l. Fiscal Law;
 - m. Environmental law through the Regional Environmental Counsel assigned to the Staff Judge Advocate's staff;
 - n. Anti-terrorist/Force Protection Programs;
 - o. Exercise Planning;
 - p. EEO Issues involving Harassment and Criminal Conduct;
 - q. Civilian Personnel Disciplinary Matters;
 - r. Liaison with Naval Legal Service Office (NAVLEGSVCOFF), Trial Service Office (TRISVCOFF), and other Staff Judge Advocates (SJAs) to resolve matters or problems of common interest;
 - s. Drafting and review of Instructions;
 - t. Monitors legislation affecting Regional operations;
 - u. Monitors witness' requests, and provides funding data to ensure presence of requested witnesses; and
 - v. Provides guidance on use of Correctional Custody Unit.
- 10. Manages office personnel, equipment, and spaces.
 - 11. Reviews Command Message traffic for matters of legal and professional interest.
 - 12. Coordinates with NCIS regarding ongoing investigations/provide advice to NCIS.
 - 13. Provides legal assistance to COMNAVREG MIDLANT staff.
 - 14. Coordinates litigation requests.
 - 15. Command Voting Officer
 - 16. Legal advisor to Chairman, Combined Federal Campaign
 - 17. Provides training lectures.
 - 18. Legal advisor to Family Advocacy Committee
 - 19. Legal advisor to Armed Forces Disciplinary Control Board

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MISSION AND FUNCTIONS OF A STATION JUDGE ADVOCATE

1. Duties. Functions as the principal legal advisor to the Installation Commander in both legal and operational matters, and has direct access to, and is responsible to, the Installation Commander and Executive Officer. Coordinates, as necessary, with the COMNAVREG MIDLANT Staff Judge Advocate when providing legal services to the Installation Commander in his capacity as a COMNAVREG MIDLANT Regional Program Manager.

2. Direct Management. Establishes priorities for Station legal assets located ashore and manages these assets located ashore to best accomplish the mission of the Commanding Officer. Ensures the proper and efficient use of legal personnel, and monitors through various means the proficiency and capabilities of the assets, and ensures compliance with legal directives and the appropriate processing of legal matters for various commands, and initiates action to meet established requirements.

3. Military Justice. Receives, reviews, and prepares proposed actions and promulgating orders for the Commanding Officer and Tenant convening authorities on all Courts-Martial.

a. Installation Commanders, or where separately assigned, Transient Personnel Unit or Naval Brig Commanding Officers, routinely convene all Special Courts-Martial (SPCMs) on personnel assigned. Pretrial and post-trial advice, convening order, post-trial actions, Courts-Martial Orders (CMOs), and all other matters associated with SPCMs are managed at the SJA's office. Conducts all Article 32, UCMJ pretrial investigations on cases being considered for General Courts-Martial;

b. All BCD records of trial are routed from the Trial Service Office (TRISVCOFF) trying the case, directly to the SJA for initial review, legal officer's advice, service of defense and accused, and preparation of a proposed Convening Authority's (CA) action and CMO;

c. Reviews and prepares action on Non-BCD SPCMs;

d. Reviews and prepares action on SCMs;

e. Administers and prepares all NJP cases for the Station, Transient Personnel Unit or Naval Brig Commanding Officer, maintains records, prepares endorsements on appeals of NJP; and

f. Receives and reviews NCIS investigations, and recommends action or requests NCIS investigations be initiated.

4. Administrative Law. Prepares, receives, and reviews for legal sufficiency and correctness, manages staffing, and initiates endorsement of orders on:

a. JAGMAN Investigations;

b. Detachment for Cause Proceedings;

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- c. Appeals from Non-judicial Punishment;
 - d. Administrative Discharge Proceedings on Enlisted Personnel Assigned;
 - e. Requests for OTH Discharge in lieu of Trial by Court-Martial;
 - f. Article 138 Complaints;
 - g. Requests for redress pursuant to Navy Regulations;
 - h. Hotline Complaints;
 - i. IG Complaints;
 - j. Article 69 Appeals;
 - k. Compromise of Classified Information and Security Problems;
 - l. Congressional Inquiries;
 - m. Freedom of Information Act Requests - forwarding to initial denial authority;
 - n. Standards of Conduct Violations/Allegations;
 - o. Coordinates Subpoena and Warrant service from civilian courts;
 - p. Coordinates Garnishment Summons and takes Command action;
 - q. Screens Indebtedness Letters on members of Command;
 - r. Reviews and approves requests for commercial solicitation on the Station; and
 - s. Reviews and prepares endorsements for clemency and parole requests for Naval Brig prisoners.
5. Internal Review. Participates with Internal Review personnel to provide oversight guidance and legal input in areas subject to internal review scrutiny.
6. Inspections. Inspects Naval Brig for legal administration.
7. Legal Productivity. Conducts internal monitoring and tracking of legal productivity within the Station Legal Office to ensure timeliness, correctness, and optimum placement of legal assets in the processing of investigations, Courts-Martial, and NJP proceedings. Provides monthly report to Regional Staff Judge Advocate on workload and practice areas.
8. Reports. Provides reports required by higher authority in the following areas:

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- a. Freedom of Information Act (FOIA);
- b. Criminal Activity, Disciplinary Infractions and Courts-Martial Report;
- c. Legal Assistance Report, NAVJAG 5801/3 JAGMAN;
- d. Statement of Financial Interests, DD Form 1555;
- e. Standards of Conduct, SECNAVINST 5370.26; and
- f. Performance Reports on officer, enlisted, and civilian personnel assigned to the Station Judge Advocate's Office.

9. Training. Trains security and Master-at-Arms (MAA) personnel in legal areas. Coordinates the continued legal education and training of all personnel assigned to SJA office. Provides routine guidance and training of all personnel assigned. Trains Reserve JAGs assigned to the Station Legal Office. Trains Legal Yeomen and Legal Officers from Tenant Commands.

10. Legal Guidance. Provides legal advice, guidance, and expertise to the Commanding Officer and assigned personnel in the following areas not previously discussed. Ensures Regional Staff Judge Advocate is kept apprised of issues potentially having Regional effect/concern.

- a. Fiscal Law through coordination with Regional SJA and cognizant OGC Attorneys;
- b. Relations with Civilian Law Enforcement Agencies;
- c. Environmental Law through coordination with Regional SJA and cognizant OGC Attorneys;
- d. Contract Law issues with contractor-provided goods and services. Coordinate with relevant contracting officer and OGC Attorney. Ensure Regional SJA is kept apprised of significant matters;
- e. Fraud, Waste, and Abuse;
- f. Anti-terrorist Programs;
- g. Family Advocacy Programs;
- g. Liaison with Civil Courts on matters affecting Station personnel;
- h. EEO issues involving Harassment and Criminal Conduct;
- i. Civilian personnel disciplinary matters through coordination with Regional SJA and cognizant OGC Attorneys;

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- j. Liaison with area Judge Advocates to resolve matters or problems of common interest;
 - k. Manpower Issues;
 - l. Lectures to Commands on legal topics/pre-deployment briefs;
 - m. Drafting and review of Instructions;
 - n. Monitors legislation impacting on Station activities;
 - o. Administration of Naval Brigs;
 - p. Air Shows, Open Houses, and other activities to which members of the general public are invited;
 - q. Administration of Clubs and Messes Ashore;
 - r. Monitors witness requests for Courts-Martial and obtains funding data to ensure presence of requested witnesses;
 - s. Provides guidance on confinement practices and utilization of Correctional Custody Units; and
 - t. Provides weekly report to the Commanding Officer on pending legal matters.
11. Claims. Receives, reviews, endorses, and transmits to local NAVLEGSVCOFFs for appropriate disposition of all claims, for or against the Government, which are generated by, or on behalf of, Station personnel or are derivative of activities conducted by the Station.
12. Collateral Duties
- a. Command Duty Officer; and
 - b. Voting Assistance Officer